

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GILBERT TORRES-REYES, )  
v. Plaintiff, ) Civil Action No. 07-1498  
RAMON RUSTIN, WARDEN, et al., ) District Judge Joy Flowers Conti  
Defendants. ) Magistrate Judge Lisa Pupo Lenihan

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on November 5, 2007, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on December 2, 2008 (doc. no.13) recommending that the complaint be dismissed for failure to prosecute. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until December 19, 2008 to file objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 7th day of January, 2009;

**IT IS HEREBY ORDERED** that the complaint is **DISMISSED** for failure to prosecute.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 13)

of Magistrate Judge Lenihan dated December 2, 2008, is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Gilbert T. Reyes, 136890  
Allegheny County Jail  
950 2nd Avenue  
Pittsburgh, PA 15219-3100